

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	3.3.17
PROCEDURES MANUAL		ISSUE DATE	August 30, 2005
SUBJECT	Tree Planting	Section	Enforcement
		Last Revised	

OBJECTIVE AND INTENT :

To ensure the permittee plants the required trees and shrubs in accordance with the approved detailed plans as contemporaneously as practical in order to initiate the post mining land use for each area of the permit in which the inspector has approved regrading.

PROCEDURES:

Trees and shrubs, including stream buffer zone mitigation planting, must be planted in accordance with the approved detailed plans. Generally, the permit’s reclamation plan requires trees and shrubs to be planted during the first favorable planting season following backfilling and regrading.

First Favorable Planting Season -

In the event the permittee failed to plant trees and shrubs during the first favorable planting season after backfilling and regrading, the inspector would issue a non-remedial Notice of Violation (NOV). The violation would cite the permittee for failure to plant trees and shrubs in accordance with the approved detailed plans and Section 4 VAC 25-130-773.17(c) of the regulations. The NOV would be issued during the 1st complete inspection after the spring planting season. The inspector shall also document in the inspection report the number of acres where trees and shrubs have not been planted.

In addition, during the subsequent 4th and 1st quarters’ complete inspections, the Inspector will remind the permittee (and document by the inspection report) that trees and shrubs must be planted for the approved regraded areas during the next favorable planting season.

Second Favorable Planting Season –

Should the permittee fail to plant trees and shrubs by March 31st of the following year, the inspector will issue a NOV for failure to perform contemporaneous reclamation. This violation shall cite Section 4 VAC 25-130-816.100 or 4 VAC 25-130-817.100 of the regulations. A short abatement date (2 to 3 weeks at most) shall be given for compliance.

If the permittee fails to comply with the NOV, the inspector shall issue a failure to abate Cessation Order (COFTA). In addition, the inspector would also initiate a review to determine if a pattern of violations exists in accordance with Procedure No. 3.3.10 “Show Cause Order and Permit Suspension/Revocation”.